

**BLANK ROME LLP**

Arash Beral (SBN 245219)  
[arash.beral@blankrome.com](mailto:arash.beral@blankrome.com)  
Todd M. Malynn (SBN 181595)  
[todd.malynn@blankrome.com](mailto:todd.malynn@blankrome.com)  
Jamison T. Gilmore (SBN322100)  
[jamison.gilmore@blankrome.com](mailto:jamison.gilmore@blankrome.com)  
2029 Century Park East | 6<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: 424.239.3400  
Facsimile: 424.239.3434

Attorneys for Defendants, Counterclaimants, and  
Third Party Plaintiffs PCJV USA, LLC, PCI  
TRADING LLC, POTATO CORNER, LA  
GROUP, LLC, GK CAPITAL GROUP, LLC,  
NKM CAPITAL GROUP, LLC and GUY  
KOREN, and Defendants J & K AMERICANA,  
LLC, J&K LAKEWOOD, LLC, J&K  
OAKRIDGE, LLC, J&K VALLEY FAIR, LLC, J  
& K ONTARIO, LLC, J&K PC TRUCKS, LLC,  
HLK MILPITAS, LLC, and GK CERRITOS, LLC

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SHAKEY'S PIZZA ASIA VENTURES,  
INC, a Philippines corporation,

Plaintiff,

vs.

PCJV USA, LLC, a Delaware limited  
liability company; PCI TRADING , LLC, a  
Delaware limited liability company; GUY  
KOREN, an individual; POTATO CORNER  
LA GROUP, LLC, a California limited  
liability company; NKM CAPITAL GROUP,  
LLC, a California limited liability company;  
J & K AMERICANA, LLC, a California  
limited liability company; J&K  
LAKEWOOD, LLC, a California limited  
liability company; J&K VALLEY FAIR,  
LLC, a California limited liability company;  
J & K ONTARIO, LLC, a California limited  
liability company; HLK MILPITAS, LLC, a  
California, limited liability company; GK  
CERRITOS, LLC, a California, limited  
liability company; J&K PC TRUCKS, LLC,  
a California limited liability company; and,

Case No. 2:24-CV-04546-SB(AGRx)

*Hon. Stanley Blumenfeld, Jr.*

**KOREN PARTIES' NOTICE OF  
MOTION AND MOTION IN  
LIMINE TO PRECLUDE  
EVIDENCE, TESTIMONY, AND  
ARGUMENT REGARDING THIS  
COURT'S PRELIMINARY  
INJUNCTION, CONTEMPT  
ORDERS, AND SANCTIONS**

*[Filed concurrently with [Proposed]  
Order and Declaration of Todd M.  
Malynn]*

Date: August 8, 2025  
Time: 10:00 a.m.

Complaint Filed: May 31, 2024  
Trial Date: August 18, 2025

1 GK CAPITAL GROUP, LLC, a California  
2 limited liability company and DOES 1  
3 through 100, inclusive,

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5 Defendants.

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7 PCJV USA, LLC, a Delaware limited  
8 liability company; PCI TRADING LLC, a  
9 Delaware limited liability company;  
10 POTATO CORNER LA GROUP LLC, a  
11 California limited liability company; GK  
12 CAPITAL GROUP, LLC, a California  
13 limited liability company; NKM CAPITAL  
14 GROUP LLC, a California limited liability  
15 company; and GUY KOREN, an individual,

16  
17 Counter-Claimants,

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19 v.

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21 SHAKEY'S PIZZA ASIA VENTURES,  
22 INC, a Philippines corporation,

23  
24 Counter Defendant.

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26 PCJV USA, LLC, a Delaware limited  
27 liability company; PCI TRADING LLC, a  
28 Delaware limited liability company;  
POTATO CORNER LA GROUP LLC, a  
California limited liability company; GK  
CAPITAL GROUP, LLC, a California  
limited liability company; NKM CAPITAL  
GROUP LLC, a California limited liability  
company; and GUY KOREN, an individual,

Third Party Plaintiffs,

v.

PC INTERNATIONAL PTE LTD., a  
Singapore business entity; SPAVI  
INTERNATIONAL USA, INC., a California  
corporation; CINCO CORPORATION, a  
Philippines corporation; and ROES 1 through  
10, inclusive,

Third Party Defendants.

**TO THE COURT AND ALL COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that, on August 8, 2025 at 10:00 a.m., in Courtroom 6C of the United States District Court for the Central District of California, located at 350 West 1st Street, Los Angeles, California 90012, PCJV USA, LLC; PCI Trading LLC; Potato Corner; LA Group, LLC; GK Capital Group, LLC; NKM Capital Group, LLC; Guy Koren; J&K Americana, LLC; J&K Lakewood, LLC; J&K Oakridge, LLC; J&K Valley Fair, LLC; J&K Ontario, LLC; J&K PC Trucks, LLC; HLK Milpitas, LLC; and GK Cerritos, LLC (“Koren Parties”) move for:

- **Preclusion of reference, evidence, and argument regarding this Court’s issuance of a Preliminary Injunction Order and ensuing contempt Orders and sanctions because any probative value is greatly outweighed the substantial unfair prejudice to Koren Parties, risk of jury confusion, and waste of trial time.**

This Motion is made pursuant to Federal Rules of Evidence 401 and 403 and the Civil Pretrial and Trial Order (Dkt. No. 30 at 9-11) and is based upon this Notice of Motion and Motion, the following memorandum of points and authorities filed concurrently herewith, along with the Declaration of Todd M. Malynn, [Proposed] Order, and all papers and pleadings filed by the parties herein, all papers lodged with the Court, any other oral or documentary evidence presented, and on such other matters as the Court may consider at the hearing on this Motion.

DATED: July 3, 2025

**BLANK ROME LLP**

By: /s/ Todd M. Malynn

Todd M. Malynn

Arash Beral

Jamison T. Gilmore

Attorneys for Koren Parties

**KOREN PARTIES' MOTION IN LIMINE NO. 1**

**Evidence Sought to be Precluded and Why: reference, evidence, and argument regarding this Court's issuance of a Preliminary Injunction Order and ensuing contempt Orders and sanctions because any probative value is greatly outweighed the substantial unfair prejudice to Koren Parties, risk of jury confusion, and waste of trial time.**

**I. INTRODUCTION**

Any reference, evidence or argument regarding the Preliminary Injunction Order and contempt and sanctions Orders should be precluded. Under settled case law, preliminary injunction orders, which are not final but are based on exigent circumstances and an incomplete record early in a case, are not probative and risk severe prejudice at trial. They are not probative of Lanham Act liability or any issue triable to a jury, yet a jury will likely confuse that the Court has already decided the case against the enjoined party in the preliminary injunction.

The Court is and has been fully capable of enforcing its own Orders prior to trial and such derivative orders should not bear on the outcome of the case. They should not diminish Koren Parties' day in court and petitioning right to (a) oppose SPAVI's claims that it acquired, not only a superior claim to ownership of the U.S. Potato Corner marks, but also ownership of those marks free and clear of any non-terminable "at-will" branding rights under a joint venture agreement or licensing agreement evidenced by numerous documents and over a decade of the parties' conduct and (b) assert their own claims and defenses under the Lanham Act, common law and pre-existing contracts with the original trademark registrant. Koren Parties would be unfairly prejudiced and such unfair prejudice would not be ameliorated by a limiting instruction. Any argument, evidence, or testimony regarding the Court's Preliminary Injunction Order and ensuing contempt Orders and sanctions must be precluded.

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1 **II. FACTUAL BACKGROUND**

2 On November 14, 2024, this court issued a preliminary injunction against  
3 Koren Parties. Dkt. 56. Following the preliminary injunction, several briefs and  
4 orders were filed related to civil contempt in connection with the preliminary  
5 injunction order. *E.g.*, Dkt. Nos. 87, 88, 93, 96, 100, 102, 117, 154, 155.

6 **III. LEGAL STANDARD**

7 A court may preclude evidence that is not probative of an issue being tried to  
8 a jury (Fed. R. Evi 401) or if the probative value is substantially outweighed by the  
9 danger of unfair prejudice, juror confusion, or waste of time (Fed. R. Evi. 403).

10 **IV. ARGUMENT**

11 **A. Argument, Evidence, and Testimony Regarding The Preliminary**  
12 **Injunction Order Must Be Precluded**

13 Courts routinely grant Motions *in Limine* to preclude their own preliminary  
14 injunctions. *See Newmark Realty Capital, Inc. v. BGC Partners, Inc.*, Case No. 16-  
15 cv-01702-BLF, 2018 WL 649133, at \*6 (N.D. Cal. Dec. 7, 2018); *see also Reyes v.*  
16 *Transamerica Life Ins. Co.*, Case No. CV 15-3452-DMG (FFMx), 2016 WL  
17 9137532, at \*2 (C.D. Cal. June 28, 2016); *ADT Security Services, Inc. v. Security*  
18 *One Int’l, Inc.*, CIVIL ACTION NO. C11-05149 YGR, 2013 WL 6701654, \*1  
19 (N.D. Cal. Sept. 9, 2013). The mere reference to a preliminary injunction and  
20 contempt proceedings is unfairly prejudicial, risks juror confusion, and substantially  
21 outweighs any probative value of those orders and proceedings, and thus is  
22 excluded. *See ADT*, 2013 WL 6701654, \*1.

23 The court in *Newmark* granted the defendants’ Motion *in Limine* to preclude  
24 reference to the court’s preliminary injunction issued against the defendants.  
25 *Newmark Realty Capital, Inc.*, 2018 WL 649133, at \*6. The court found that the  
26 “jury is likely to determine that the judge has already decided the factual issues and  
27 thus the jury need not re-weigh the evidence.” *Id.* The court further found that  
28 “[g]iven the complexity of the issues and the unavoidable deference a jury is likely

1 to give the judge's written order, the Court concludes that a limiting instruction  
2 would not sufficiently reduce the prejudicial effect of the evidence." *Id.*

3 Here, like in *Newmark*, the Court's ruling on the preliminary injunction is  
4 likely to cause jurors to believe, without independently assessing the evidence, that  
5 the Court had all the evidence, claims and defenses before it and made the correct  
6 decision. The issues here are complex. They involve the splitting of a domestic  
7 franchise business that created and controlled the goodwill of a branded turn-key  
8 business opportunity from the foreign owner of the brand, and involve several  
9 contracts, one which is operative if there was no further agreement between the  
10 foreign brand owner and the domestic franchise owners, and one which controls if it  
11 was the operative future agreement. The jury will have to resolve the mutual intent  
12 of the parties, including as evidenced or ratified with over a decade of conforming  
13 conduct as well as parol evidence. The Koren Parties will be unfairly prejudiced by  
14 introduction of the preliminary injunction considering they are "likely to defer to  
15 findings . . . made by an authoritative, professional factfinder rather than determine  
16 those issues for themselves." *United States v. Sine*, 493 F.3d 1021, 1033 (9th Cir.  
17 2007). The risk of the jury adopting this Court's findings in the Preliminary  
18 Injunction Order as their own in finding against Koren Parties without considering  
19 any or all the evidence is present, clear, and requires preclusion.<sup>1</sup>

20 Admission or discussion of the Preliminary Injunction Order or related  
21 briefing would be even more confusing and likely to waste time given its  
22 incompletely and complexity. The Preliminary Injunction Order is nearly thirty  
23 pages long but does not address many issues being adjudicated at trial and could  
24 lead a jury to perceive it as having dispositive or significant weight. That Order was  
25 appealed and reviewed under an abuse of discretion standard, yet would likely cause

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26 <sup>1</sup> A limiting instruction would not avoid the unfair prejudice and jury confusion.  
27 Rather, it would necessarily involve lengthy, complicated instructions regarding the  
28 different record, tests and burdens of proof on the preliminary injunction stage, and  
would both waste time and confuse the jury as to the completeness of the record and  
differing nature of a party's burden of proof at trial. *See* Fed. R. Evid. 403.

1 SPAVI to argue its position was found to be “right” not just once, but twice by this  
2 Court and the Ninth Circuit. This would lead to a time-consuming and distracting  
3 trial-within-a-trial about the correctness of the Preliminary Injunction Order and the  
4 Order on appeal. *See Hansen v. Long*, No. SACV 12-2131-VBF (DTB), 2014 WL  
5 3435871, at \*11 (C.D. Cal. Jan. 28, 2014), *report and recommendation adopted*,  
6 2014 WL 3436156 (C.D. Cal. July 10, 2014) (affirming exclusion of evidence that  
7 “would have led to a trial-within-a-trial”); *see also Bhatti v. Ulahannan*, 414 F.  
8 App’x 988, 989 (9th Cir. 2011) (affirming exclusion of evidence that would  
9 “effectively require a mini-trial within a trial and likely confuse the jury”).

10 **B. Argument, Evidence, and Testimony Regarding Subsequent**  
11 **Contempt And Sanctions Orders Must Be Precluded**

12 Reference, argument, or evidence related to the contempt Orders or sanctions  
13 issued in connection with the Preliminary Injunction Order should necessarily be  
14 excluded as well. They are predicated on a finding in the Preliminary Injunction  
15 Order that SPAVI is *likely* to succeed on its claims. Accordingly, Koren Parties will  
16 be forced to waste the Court’s and jurors’ time in explaining the Orders underlying  
17 findings of contempt and issuing of sanctions are incorrect and, thus, provide a trial-  
18 within-a-trial. Worse, they present an even greater risk of unfair prejudice than the  
19 underlying Order, as a contempt or sanction Order may cause jurors to find in favor  
20 of SPAVI without even considering the evidence.

21 The contempt and sanction Orders are not probative of who has superior  
22 trademark rights and whether SPAVI acquired ownership rights free and clear of  
23 Defendants’ enforceable branding or licensing rights that were not terminable “at-  
24 will.” Nor are they relevant to any lost-profits damages triable to a jury. As to  
25 disgorgement, the Court can resolve the relevance, if any, of the contempt and  
26 sanction orders that are not relevant to Defendants’ pre-existing rights to use or  
27 control the U.S. Potato Corner marks. Further, willfulness is just one aspect of many  
28 factors comprising the “totality of the circumstances” that the Court—not the jury—



1 considers in awarding equitable remedies. The Court's knowledge of the contempt  
2 and sanctions Orders, unlike the jury's knowledge, will not risk or result in unfair  
3 prejudice to the Koren Parties.

4 **V. CONCLUSION**

5 Accordingly, the Court should preclude reference, evidence, and argument  
6 regarding its issuance of a Preliminary Injunction Order and ensuing contempt  
7 Orders and sanctions.

8 DATED: July 3, 2025

**BLANK ROME LLP**

9  
10 By: /s/ Todd M. Malynn

Todd M. Malynn

Arash Beral

Jamison T. Gilmore

Attorneys for Koren Parties

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**SPAVI PARTIES' OPPOSITION TO KOREN PARTIES'**  
**MOTION IN LIMINE NO. 1**

The SPAVI Parties did not serve an opposition by June 30, 2025, after the parties met and conferred on July 20, 2025, as to Defendants' July 18, 2025 letter substantiating the grounds for the motion, which was served on June 23, 2025.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on July 3, 2025, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court's Electronic Case Filing (ECF) system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.  
Executed on July 3, 2025.

By: /s/AJ Cruickshank